

Minutes
Nevada State Emergency Response Commission
First Quarterly Meeting
Clark County Fire Department Training Center
4425 W. Tropicana Avenue
Las Vegas, Nevada

January 11, 2007

Members Present

Richard Brenner, Co-Chair
Tim McAndrew, Co-Chair
Susan Crowley
Stacey Giomi
John Helmreich
Jim O'Brien
Tom Porta
Doug Webb
Jim Wright

Members Not Present

Carl Byrd
Tom Czehowski
Larry Farr
Dennis Nolan
Steve Orr
Jim Reagan
Frank Siracusa
Doyle Sutton

Staff

Karen Kennard
Samantha Ladich

I. CALL TO ORDER

Richard Brenner, Co-Chairman, called the meeting to order at 9:00 a.m.

II. INTRODUCTIONS

Members and staff introduced themselves as shown above. Mr. Brenner welcomed Samantha Ladich, newly assigned Deputy Attorney General.

III. APPROVAL OF OCTOBER 12, 2006 MEETING MINUTES

Jim O'Brien made a motion to approve the minutes of the October 12, 2006 SERC Fourth Quarterly meeting. Stacey Giomi seconded the motion which was approved unanimously.

IV. OLD BUSINESS

A. *Discussion/Action regarding possible sanctions provided by NRS and/or NAC for noncompliance with NAC

Karen Kennard stated at the previous SERC quarterly meeting, it was discussed as to whether NRS or NAC provided any type of sanctions for noncompliance with NAC. Samantha Ladich, Deputy A.G., researched this issue and found there are no general sanctions within NRS or NAC for violation or noncompliance with the laws/regulations. Sanctions must be built into the specific sections. If the SERC wanted sanctions other than the ones already in place, it would need to build them into the NRS or NAC. No action was taken.

V. NEW BUSINESS

A. Local Emergency Planning Committee Updates (*attending LEPC*)

Representatives)

Carson City LEPC – Mr. Giomi advised the LEPC is having an emergency response exercise in March with the local hospital and Carson City school district.

Clark County LEPC – Mr. O'Brien advised the Southern Nevada Health District/Clark Co. Health District is partnering with the resorts to do a pandemic flu exercise at Cashman Field on January 23. To date, 165 people are registered with approximately 75% observers, 25% participants. It will be an all day exercise with a working lunch.

A special meeting of the LEPC will be held January 22 to take care of all the SERC requirements.

Eureka County LEPC – Ms. Kennard advised the LEPC completed an exercise in December.

Churchill County LEPC – Ms. Kennard advised the LEPC is planning an exercise in January.

Mineral County LEPC – Ms. Kennard advised the LEPC submitted a report on an incident.

B. U.S. Environmental Protection Agency Update

Mike Ardito was not present but did provide handouts of general updates which were distributed to the Commissioners.

Mr. Brenner referred to the item regarding the Mainland Regional Response Team meeting in Las Vegas on February 21-22. Mr. Brenner stated this team, co-chaired by the Coast Guard and EPA, travels between the coast and inland for their quarterly meetings. This team has a tremendous amount of resources to handle an emergency. If anyone is interested in attending the February meeting, they can contact either Richard Brenner of Clark Co. Fire Department at 702-455-7316, or Bill Robberson, EPA's Regional Response Team coordinator at 415-972-3072.

Ms. Kennard stated EPA sent a letter to Betty Jacobsen, wife of the late Senator Jacobsen, in recognition of his input towards the SERC and first responders. They formally acknowledged Senator Jacobsen at the EPA Conference held during HazMat Explo.

Tom Porta advised EPA spent \$2 million of CERCLA funds for response to Anaconda Yerington Mine Site.

C. U.S. Federal Emergency Management Agency Update

Ms. Kennard advised she met Matthew Bradley, the FEMA representative. Mr. Bradley was not present but provided a written update which Ms. Kennard summarized: FEMA held a Golden Guardian exercise in November 2006, exercising the National Incident Management System (NIMS) and the National Response Plan (NRP). FEMA did a TOPOFF exercise, which is a statutorily mandated national exercise, involving state and local jurisdictions with complex

challenges on planning and execution. Oregon, Guam and Arizona were partners with FEMA, as well as some tribes and private sector partners.

The 2007 NIMS requirements have been released and can be found on FEMA's website. The outreach initiatives are continuing. The NIMS update is under review and will be released in the Summer to accompany the NRP revisions. The 2007 NIMS implementation workshop will be held in Sacramento, CA on January 22.

NIMS has a catastrophic planning initiative that is driven by nationwide planning review and the urban area security initiatives. FEMA intends to work with the states and urban areas to revise/update their emergency operations plans to reflect response to catastrophic incidents. This project is still in the planning stages.

FEMA recognizes NRP Review requires participation of all levels of stakeholders. The review will examine pertinent policies, coordinating structures to find areas of responsibility and procedures. To ensure they reach out to their public and private sector partners, FEMA would like agencies to designate a single point of contact from its organization and send the information to FEMA-R9-NRP@dhs.gov. For additional information, contact Fred Wehrenberg at fred.wehrenberg@dhs.gov.

D. Occupational Safety and Health Administration Update

Tom Czehowski was not present and there was nothing to report.

E. Division of Emergency Management

Frank Siracusa was not present and there was nothing to report.

F. Division of Environmental Protection Update

Mr. Porta advised the Dept. of Conservation and Natural Resources, Division of Risk Management, UNR Fire Academy at NDEP, applied for a homeland security research and development grant. The grant is for a web-based data collection and analysis reporting system for hazardous exposures and occupational injuries. This new technology will enable multiple users to log on to the database and input information, then risk managers can evaluate exposures. It is a \$1 million grant. Nevada Division of Forestry (NDF) will be the prototype. The database will be open to other state agencies once it is up and running and has been through all the testing.

G. Nevada State Fire Marshal Update

Jim Wright advised the State Fire Marshal's (SFM) training section is physically located at the Training Division of the Department of Public Safety (DPS). However, funding and statutory responsibilities are still attached to the SFM. Dennis Pinkerton has been assigned to be the lead fire service contact.

In regards to hazmat, SFM is looking at new ways to deliver training, support the local jurisdictions, provide more specialty courses, and obtain certification of classes. SFM training officers are dedicating 30% of their time directly to hazmat.

Mr. Wright is working with the Attorney General's office and the LP Gas Board to take care of the liability issues with the Liquefied Petroleum Gas (LPG) simulator.

H. Report of Legislative Committee

Jim Reagan was not present and there was nothing to report.

I. Strategic Planning Committee Report

Ms. Crowley advised the Committee had not met and there is nothing to report.

J. Funding Committee Report

Mr. Brenner advised the Committee had not met and there is nothing to report.

K. Planning and Training Subcommittee Report

Mr. Brenner advised the Committee had not met and there is nothing to report.

L. Bylaws Committee Report

Ms. Kennard advised the Committee had not met and there is nothing to report.

M. Information Technology Committee Report

This Committee is currently without a chair and has not met. Ms. Kennard will discuss the new database in her report later in this meeting.

N. Policy Committee Report

Mr. O'Brien advised the Committee has not met and there is nothing to report.

O. *Discussion/Update/Action regarding possible changes to the database contract with Intelligent Decision Systems, Inc.

Ms. Kennard stated database project management group is continuing with the database design and expects a new proposal from the vendor by January 16. The Fire Marshal's office is currently working on getting the vendor a hard copy of the renewal package as it stands so the vendor can work it into the system. The SFM will be mailing renewal packages, along with a letter advising the new database is being developed, to the facilities for the March 1, 2007 due date.

Due to adding SFM needs into what is already an existing Tier II reporting system, the project compounded into more than originally anticipated. Ms. Kennard advised the vendor may be requesting more funds with the new proposal.

P. *Discussion/Action regarding Nye County LEPC's request for reinstatement of the operations portion of the 2007 SERC grant

Ms. Kennard stated Nye Co. LEPC came into administrative compliance in October. Nye Co. LEPC is eligible for their operations grant for the remainder of the year. In the past, SERC has reinstated such grants on request proportionate to the remaining amount of the grant cycle. This request was received on December 20, 2006 for \$2000. A discussion ensued.

Mr. O'Brien made a motion to reinstate the operations funding based on Nye Co. LEPC's request received in December 2006. Mr. Porta seconded the motion which was approved unanimously.

Q. *Discussion/Action regarding possible increase of maximum amount that can be requested by grantees when submitting the Fiscal Year 2008 SERC grant applications

Ms. Kennard advised if SERC took the minimum amount based on the projections of what SERC is budgeted for the rest of the year, it would have \$684,000 available in the grant process coming up in April. Approximately \$30,000 would be held aside for the Hazardous Materials Emergency Preparedness (HMEP) match; \$68,000 would be awarded at \$4,000 per LEPC operations grant; \$510,000 would be available, if the SERC increases the maximum amount requested to \$30,000 for 17 LEPCs. Projected revenue for fiscal year 2008 would be \$470,000. With the continued balance forward of at least \$400,000 to fiscal year 2009, there would be approximately \$145,000 remaining in fiscal year 2008. This amount does not include grant awards to State agencies. Ms. Kennard advised SERC currently has \$647,000 in reserves. The calculations Ms. Kennard gave do not include interest distributions, and also does not include the fact that not all grants get entirely used.

Ms. Crowley made a motion to increase the fiscal year 2008 SERC maximum grant application request from \$25,000 to \$30,000. Mr. Giomi seconded the motion which was approved unanimously.

After discussions, staff was directed to develop a database training and implementation plan. Staff was also directed to review supplementary modules available for addition to the database, and provide a dollar amount to present at the next SERC meeting.

R. Executive Director Report

1. Update on Illinois lawsuit, Trepanier vs. Ryan

Ms. Kennard advised Trepanier vs. Ryan lawsuit is still in settlement conference mode.

2. Update on Open Meeting Law requirements from presentation made at HazMat Expo

Ms. Kennard stated the Attorney General's office made a presentation on the Open Meeting Law. From that presentation, it was concluded there should

never be abstentions from the membership on a vote unless the issue personally benefits the member. Also, LEPCs may identify members as nonvoting members and thereby eliminate quorum issues.

At the last quarterly meeting, there was an issue with the Legislative Committee membership potentially being a quorum of the SERC. The Attorney General's Office recommended against this. Jim Reagan, Chair of the Legislative Committee was advised of the A.G.'s recommendation. Mr. Giomi stated the Legislative Committee could go outside the Commission for members.

The Bill Draft Request (BDR) the SERC presented, regarding the surcharge on the hazardous materials permits and the hazmat training, has been written at the LCB level. It is waiting to be introduced during session.

Ms. Kennard advised of compliance issues:

- SERC staff have been working with Churchill Co. LEPC. Churchill Co. LEPC submitted a plan of an exercise, not a report of an exercise. The Planning and Training Subcommittee found this was not exercising Churchill LEPC's hazmat plan. The LEPC Chair is scheduling a new exercise for the middle of January 2007.
- Eureka Co. LEPC held an exercise in December but has not yet reported.
- Lander Co. LEPC is out of compliance. Their last exercise was in June 2005.
- Ms. Kennard advised SERC policy states a LEPC must report on an exercise or incident at least annually, and report in 60 days. Nye Co. LEPC did an exercise in September 2006. SERC staff reminded Nye Co. LEPC to submit a report within the 60 days. Nye Co. LEPC submitted the report in December 2006. A discussion ensued. The SERC directed staff to notify the Nye Co. LEPC it would be found out of compliance for failure to submit the report within 60 days.
- Elko Co. LEPC has not submitted financial reports for the first quarter on its SERC and United We Stand grant funds. The reports were due October 30, 2006.
- Churchill Co. LEPC has not submitted a report for the first quarter of the United We Stand grant, which was due October 30, 2006. The SERC staff will be meeting with the Churchill Co. LEPC Chair, the Comptroller and District Attorney's office within the next month.

Mr. Giomi asked if staff had received the EPCRA membership list forms from the LEPCs. Ms. Kennard stated the forms have been received and are helpful to the SERC staff with the signature and certification the LEPCs have tried to fill EPCRA categories.

Ms. Kennard advised there are some difficulties with a few of the LEPC

Chairs using foul language with staff in telephone conversations. Comments from some LEPCs are the SERC is putting too many restrictions and requirements on the unfunded LEPC Chair position, and the SERC needs to notify the LEPC Chairs of changes before they happen.

Mr. O'Brien suggested making the LEPCs aware of the Trepanier vs. Ryan lawsuit. Mr. Giomi added the LCB audit findings be included in this notice.

Mr. O'Brien also suggested having a mandatory LEPC Chair "rookie school". This workshop could be one day with the LEPCs doing job functions and going through a 12 month cycle. Mr. Giomi agreed and suggested it be agendized on the next meeting agenda and SERC could possibly pay the expenses. Mr. Porta stated eventually the workshop could become a web-based training exercise. A discussion ensued.

V. PUBLIC COMMENTS

A discussion ensued with Mr. Wright regarding the intent of the BDR submitted by SERC. Mr. Wright questioned SERC's ability to certify and provide training. SERC members reiterated the complete lack of accountability of the SFM in the past, regarding fund expenditures and quality training. Ms. Kennard suggested the Legislative Committee call a meeting and have Mr. Wright attend to discuss his concerns.

Ms. Kennard stated a lieutenant with the Sparks Police Dept. will be attending the FBI academy and wants to purchase souvenir United We Stand license plates so he can take them with him and trade them. He needs SERC's permission to do so. Traditionally the SERC's charge has been \$2.50 per plate but on occasion has been reduced to \$1.50. The SERC suggested staff not charge less than \$1.50.

VI. ADJOURNMENT

Mr. O'Brien made a motion to adjourn at 10:30 a.m.